

REMARKS

Claims 1 and 16-21 are currently pending in the application. Claims 1, 16 and 19 are in independent form.

Claims 1 and 17-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action has held that claims 1 and 19 do not recite the means and conditions of the molecular weight measurement. In order to further prosecution, claims 1 and 19 have been amended to recite the means and conditions of molecular weight measurement and reconsideration of the rejection is respectfully requested.

Claims 16 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action has held that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action has held that there is no disclosure with regard to how the molecular weight was obtained. In order to further prosecution, claim 16 has been amended to more specifically recite the manner in which the composition was isolated and reconsideration of the rejection is respectfully requested.

Claims 1 and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated or alternatively obvious over Ofek et al. However, the claims have been amended to include limitations recited in independent claim 19, which was not included in the present rejection, thereby rendering the present rejection moot. Reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against

these dependent claims do not make up for the deficiencies of those references as discussed above, and the prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

It is respectfully submitted that the present amendment places the application in condition for allowance as it removes all remaining issues in dispute. The claims have been made no broader in scope thereby requiring no further searching and raising no new issues. In fact, all claims now include limitations of previously pending claims and were therefore previously searched. Since there is no prior art cited against any of these claims, it is respectfully submitted that all of the claims are in condition for allowance.

It is respectfully requested that the present amendment be entered in order to place the application in condition for allowance or at least in better condition for appeal. The application is placed in condition for allowance as it addresses and resolves each and every issue that remains pending. The amendments overcoming the rejections under 35 U.S.C. § 112 are made exactly as suggested by the Office Action. Claims have also been amended to clearly distinguish over the prior art. The application is made at least in better condition for appeal as the amendment removes many issues thereby simplifying the issues on appeal. That is, each and every rejection under 35 U.S.C. § 112 has been overcome exactly as suggest in the Office Action. Further, the claims have been amended to more specifically define the invention while raising no new issues that would require any further searching. Rather, the amendments have been made in view of comments made in the Office Action that clearly distinguish the presently pending claims over the cited prior art. Hence, it is respectfully requested that the amendment be entered.

This amendment could not have been made earlier as the amendment further defines the claims over the prior art in accordance with the suggestion made in the Office Action, the suggestion first being made in the outstanding Office Action.


Hence, since there remain no further issues to be resolved, it is respectfully requested that the present amendment be entered.

In conclusion, it is respectfully requested that the present amendment be entered in order to place the application in condition for allowance, which allowance is respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



Amy E. Rinaldo, Reg. No. 45,791
30500 Northwestern Highway
Suite 410
Farmington Hills, Michigan 48334
(248) 539-5050

Dated: August 10, 2004

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Mailing Label No.: EV 442292495 US
Date of Deposit: August 10, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Connie Herty